

IC 12-15-34

Chapter 34. Home Health Care Services; Office of Medicaid Policy and Planning

IC 12-15-34-1

"Home health agency" defined

Sec. 1. As used in this chapter, "home health agency" means a public or private organization, whether owned or operated by one (1) or more persons, that furnishes or offers to furnish home health services.

As added by P.L.2-1992, SEC.9.

IC 12-15-34-2

"Home health services" defined

Sec. 2. (a) As used in this chapter, "home health services" means any of the following items or services furnished to an individual by a home health agency or by others under arrangements with a home health agency on a visiting basis, and except as provided in subsection (b), in a place of temporary or permanent residence used as the individual's home:

- (1) Part-time or intermittent nursing care provided by or under the supervision of a registered professional nurse.
- (2) Physical, occupational, or speech therapy or other therapeutic services.
- (3) Medical social services.
- (4) Home health aid services.
- (5) Medical supplies other than drugs and biologicals.
- (6) The use of medical appliances.
- (7) Homemaking services provided by the home health agency to help the individual stay in the individual's own home.

(b) The term includes items and services of a kind described in subsection (a)(1) through (a)(6) that:

- (1) are provided on an outpatient basis under arrangements made by a home health agency at a hospital, health facility, or rehabilitation center; and
- (2) either:
 - (A) involve the use of equipment of a nature that cannot readily be made available to the individual in the individual's home; or
 - (B) that are furnished at the hospital, health facility, or rehabilitation center while the individual is there to receive items or services.

(c) The term does not include transportation of the individual in connection with receiving items or services described in subsection (b)(1) and (b)(2).

As added by P.L.2-1992, SEC.9. Amended by P.L.2-1995, SEC.49.

IC 12-15-34-3

Items and services furnished either by home health agency or by others under arrangements with home health agency; exception

Sec. 3. Home health services includes items and services furnished to an individual by either of the following:

- (1) A home health agency.
- (2) Others under arrangements with a home health agency on a visiting basis and, except for section 4(5) of this chapter, in a place of temporary or permanent residence used as the individual's home.

As added by P.L.2-1992, SEC.9.

IC 12-15-34-4

Items and services included under IC 12-15-34-2 definition of home health services

Sec. 4. The items and services under section 2 of this chapter include the following:

- (1) Part-time or intermittent nursing care provided by or under the supervision of a registered professional nurse.
- (2) Physical, occupational, or speech therapy or other therapeutic services.
- (3) Medical social services and home health aid services.
- (4) Medical supplies other than drugs and biologicals and the use of medical appliances.
- (5) Any of the items and services under subdivisions (1), (2), (3), and (4) that:
 - (A) are provided on an outpatient basis under arrangements made by a home health agency at a hospital, health care facility, or rehabilitation center; and
 - (B) involves the use of equipment of a nature that the items and services cannot readily be made available to the individual in the individual's home or that are furnished at the facility while the individual is there to receive any item or service, but not including transportation of the individual in connection with the item or service.
- (6) Homemaking services provided by the agency to help the individual's stay in the individual's own home.

As added by P.L.2-1992, SEC.9.

IC 12-15-34-5

Office and secretary; actions, directions, and rules; providing of services and ensuring uniform equitable treatment of applicants and recipients

Sec. 5. The office and the secretary shall:

- (1) take action;
- (2) give directions; and
- (3) adopt rules under IC 4-22-2;

necessary to carry out this chapter and the federal Social Security Act concerning the providing of services and to ensure uniform equitable treatment of all applicants for and recipients of Medicaid supportive services in the recipients' own homes.

As added by P.L.2-1992, SEC.9.

IC 12-15-34-6**Contracts for services; authorization**

Sec. 6. The office may contract with any of the following to purchase the necessary services to implement this chapter:

- (1) A state, public, or private agency.
- (2) A business firm.
- (3) A corporation.

As added by P.L.2-1992, SEC.9.

IC 12-15-34-7**Contracts; maximum term**

Sec. 7. A contract made with the following may be for a term not to exceed three (3) years:

- (1) A public or private agency.
- (2) A business firm.
- (3) A foundation.
- (4) A corporation.

As added by P.L.2-1992, SEC.9.

IC 12-15-34-8**Preparation of qualifications and specifications for bidders**

Sec. 8. The office shall assist the Indiana department of administration in the preparation of qualifications and specifications for bidders contracting with the state to administer the fiscal provisions of or to provide services under this chapter.

As added by P.L.2-1992, SEC.9.

IC 12-15-34-9**Subcontracts; authorization; term**

Sec. 9. A contractor with the state under this chapter may subcontract a part of the contractor's prime contract. However, a subcontract may not extend beyond the term of the prime contract.

As added by P.L.2-1992, SEC.9.

IC 12-15-34-10**Subcontracts; approval**

Sec. 10. A subcontract let by a prime contractor must be approved by the office and the Indiana department of administration.

As added by P.L.2-1992, SEC.9.

IC 12-15-34-11**Subcontracts; information furnished to office**

Sec. 11. The contractor or the subcontractor shall furnish the following information to the office:

- (1) The amount of the subcontract.
- (2) The qualifications of the subcontractor for guaranteeing performance.
- (3) Other data required by the state.

As added by P.L.2-1992, SEC.9.

IC 12-15-34-12**Contract or subcontract; availability to legislative council**

Sec. 12. Upon request, a contract or subcontract shall be made available to the legislative council or the council's representative for inspection and examination.

As added by P.L.2-1992, SEC.9.

IC 12-15-34-13**Plan for purchase of services under IC 4-23-17-9.3**

Sec. 13. The office shall include in the division's state plan for the purchase of services under IC 4-23-17-9.3 (repealed) a comprehensive program for the provision of home health services to an individual who is eligible for Medicaid.

As added by P.L.2-1992, SEC.9. Amended by P.L.1-2009, SEC.103.

IC 12-15-34-14**Utilization review procedures**

Sec. 14. The office shall develop adequate utilization review procedures for home health agencies to conform to federal guidelines.

As added by P.L.2-1992, SEC.9.